



General Assembly

January Session, 2009

Committee Bill No. 547

LCO No. 4089

04089SB00547PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT AUTHORIZING THE ACQUISITION OF ABANDONED
CEMETERIES BY MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this
2 section, "abandoned cemetery" means a cemetery in which (1) no
3 burial has occurred during the previous forty years and in which the
4 lots or graves have not been maintained during the previous ten years
5 except for maintenance rendered by the municipality in which such
6 cemetery is located, or (2) one burial has occurred in the past forty
7 years with an ex post facto permit and for which there is one surviving
8 owner of a family plot if the municipality in which such cemetery is
9 located fully complies with the notice requirements contained in this
10 section and provides such notification to such surviving owner.

11 (b) Any municipality may acquire an abandoned cemetery,
12 including ownership of any unoccupied lots or grave sites in such
13 cemetery. Such municipality may cause a survey of such cemetery to
14 be completed in order to ascertain the extent of such cemetery. The
15 municipality shall use due diligence in identifying any owners of the
16 abandoned cemetery or any of the cemetery's unoccupied lots or grave

17 sites and shall provide notice to such owners of the municipality's
18 intention to acquire the abandoned cemetery. In the event that a
19 municipality is unable to locate such an owner, the municipality shall
20 publish notice of its intention to acquire the abandoned cemetery in a
21 newspaper having a general circulation in such municipality. Such
22 notice shall be published for a period of three successive weeks.

23 (c) The notice described in subsection (b) of this section shall give a
24 basic description of the abandoned cemetery, by reference to the
25 municipality's tax maps, and shall set a date and place where
26 objections to the acquisition of the cemetery by the municipality will be
27 heard.

28 (d) Any owner who receives notice pursuant to subsection (b) of this
29 section may reassert his or her right of ownership over the abandoned
30 cemetery, unoccupied lot or grave site, as applicable, by sending
31 written notice of his or her objection to the municipality not later than
32 fourteen days after his or her receipt of notice pursuant to subsection
33 (b) of this section. Any owner who reasserts his or her rights pursuant
34 to this subsection shall promptly comply with all municipal ordinances
35 concerning such abandoned cemetery, unoccupied lot or grave site.

36 (e) In the event that no objection is received by the municipality
37 pursuant to subsection (d) of this section not later than fifteen days
38 after the last date of publication of the notice described in subsections
39 (b) and (c) of this section, title to such abandoned cemetery and any
40 unoccupied lots or graves shall vest in such municipality. Whenever
41 title vests in a municipality pursuant to this subsection, such
42 municipality shall record a confirmation of such vesting, including a
43 basic description of the cemetery, on the land records of the
44 municipality in which such cemetery is located.

45 (f) If title to an abandoned cemetery vests with a municipality
46 pursuant to subsection (e) of this section, such municipality shall
47 maintain title to such cemetery and shall not transfer title to such

48 cemetery. For any such cemetery, the municipality that gains title
49 pursuant to subsection (e) of this section shall maintain the
50 characteristics of such cemetery and make no changes in the use of
51 such cemetery land.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Purpose:

To allow municipalities to acquire abandoned cemeteries within the municipality.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MCKINNEY, 28th Dist.; SEN. PRAGUE, 19th Dist.

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